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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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James J. Fitzgibbon

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22242 7590 10/22/2008
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EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

10/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory

3. The amendment will not be entered because the listing of claims does not identify any proposed changes.

5. In view of applicant's response pointing out support in the original specification for the subject matter added to the claims by the previous amendment, the 35 USC 112 rejection has been withdrawn.

7. The 35 USC 103 rejections are proper for the reasons stated in the Final Action and will not be withdrawn. The argument that Tolson does not teach "full closure" of a barrier in response to a "brief button press" is not persuasive because the claims are not limited to "brief button press" causing "full closure" of the barrier. The claims language would have been obvious in view of the actuation of push button C for operation in the close direction in Tolson (col. 2 lines 58-62) and a one key depression sequence to close the door in Kaplan (col. 10 lines 56-63). In response to applicant's argument that combination of Kaplan and Tolson would change the principle of operation of Kaplan, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined

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teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on (571) 272-3059.

10/22/2008
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/Edwin C. Holloway, III/
Primary Examiner, Art Unit 2612